UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,130	12/08/1998	DANIEL VIERA CONRAD	RA9-98-053	6377

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EXAMINER
ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on th c ver sh et with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>25 August 2003</u> .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Status of Claims

1.   Due to communications filed 8/25/03, the following is a final office action. Claims

1-15 are pending in this application and have been examined on the merits. Claims 1,

7, 8, 14 and 15 have been amended. The previous rejection has been withdrawn, and

the following rejection reflects the pending claims as amended.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Binkley, et al (US Patent 5,088,033), in view of Weber (US Patent 5,812, 668).

As per claims 1, 2, 7, 8, 9, 14, 15, Binkley, et al discloses:

providing an emulation module interfacing directly with the operating system and

corresponding to the device/providing an emulation object interfacing directly with the

operating system and corresponding to the device /an emulation module interfacing

directly with the operating system and corresponding to the device/an emulation object

interfacing directly with the operating system and corresponding to the device (Col. 3,

lines 34-37, Col. 8, lines 62-68).

ensuring that the application will utilize the emulation module when the
application is executed on the development system/ensuring that the application will
utilize the emulation object.../means for ensuring.../wherein the application is capable of
utilizing the emulation module in lieu of the device.../emulating the interaction...(Col. 6,
line 66-Col. 7, line 4);

executing the application on the development system independently of the point
of sale system, wherein the emulation module and the application emulate the
interaction between the application and the device that occurs when the application is
executed on the point of sale equipment/wherein the application is executed on the
system, the emulation module and the application independently.../wherein the
application is executed on the development system, the emulation module and the
application emulate the interaction...(Col. 1, lines 60-62, Col. 1, line 66-Col. 2, line 1,
Col. 2, lines 9-19, Col. 7, lines 32-38, [where the examiner is interpreting the
"development system" and the "point of sale system" of the present invention to be
analogous to the "host system" and "target system" of Binkley, et al);

wherein the emulation module and the application both interface directly with the
operating system of the development system, (Col. 59, lines 31-38 and lines 54-61,
[where the emulation module resides with the emulation processor and where the host
system or development system's environment comprises device emulating means for
directly interfacing with the target system I/O operation (application), See Col. 59, lines
54-61. It is also shown that the host/development system's environment comprises
means for determining a current emulated state of the communication means, meaning
the host/development system has direct contact with emulation means/modules (See
Col. 59, lines 50-53]).

ensuring that the application adequately utilizes the emulation object...(Col. 2, lines 9-13);

modifying the application...(Col. 1, lines 11-14, Col. 2, lines 13-19).

allowing a developer to provide input...(Col. 50, lines 41-43);

providing the input to the application in a form expected...(Col. 51, lines 3-17).

Binkley, et al fails to teach the following, however, Weber discloses:

A point of sale environment/A point of sale system.../wherein the device is specialized for the point of sale equipment, (Col. 65, lines 54-63,w/ abstract, lines 1-11)

It would have been obvious to one of ordinary skill in the art for the device to be specialized for the point of sale equipment because the transactions that are being tested on a different computer in Weber (test gateway computer) are occurring in a pos environment. In this case, since transactions are occurring at a pos system, any device used at the pos must therefore be specialized or formatted to operate at the pos system.

As per claims 3, 10, Binkley, et al discloses:

wherein the application is platform independent...(Col. 58, line 46-Col. 59, line 10).

As per claim 5, 12, Binkley, et al discloses:

wherein the point of sale equipment includes a driver...(Col. 19, line 67-Col. 20, line 6).

As per claim 6, 13, Binkley, et al discloses:

wherein the emulation object emulates the driver and the device...(Col. 19, lines 11-15, Col. 19, line 67-Col. 20, line 6).

As per claims 4, 11, Binkley, et al fails to teach the following, however Weber discloses:

wherein the application is a JAVA application...(Col. 7, lines 15-17).
It would have been obvious to one of ordinary skill in the art to make the application and
the emulation object platform independent because in a computer environment,
applications are constantly being changed around and depending on these changes
and the needs of the user, the platforms will also need to change in order to fit the
environment. It would have been obvious to one of ordinary skill in the art to make the
application and the emulation object JAVA applications because JAVA is a common,
distributed programming language that is simple and is used for object-oriented
programming in the application development art.

Response to Arguments

4.   Applicant's arguments filed 8/25/03 have been fully considered but they are not
persuasive.

As per claims 1, 7, 8, 14 and 15, the applicant argues that neither Binkley nor
Weber discloses a method, system or computer readable medium in which the
emulation object and application interface directly with the operating system of the
development system. However, the combination of Binkley and Weber discloses this
feature. Specifically, in Binkley, Col. 59, lines 31-38 and lines 54-61, it is disclosed that
the emulation module resides with the emulation processor and that the host system or
development system's environment comprises device emulating means for directly
interfacing with the target system I/O operation or the application. In Col. 59, lines 50-
53, Binkley discloses that the host/development system's environment comprises
means for determining a current emulated state of the communication means, meaning
the host/development system has direct contact with emulation means/modules.

As per claims 2-6, these claims depend from claim 1 and are rejected for the same reasons as disclosed with respect to claim 1.

As per claims 9-13, these claims depend from independent claim 8 and are therefore rejected for the same reasons as disclosed with respect to claim 8.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Akiba Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30 am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-746-7238

[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications],

and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R.-B.
November 3, 2003

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600